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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DR. SOUHEIL E. ELIA,

Plaintiff,

-against-

MERRICK B. GARLAND,

Defendant.

1:24-cv-03947-MKV

**ORDER**

MARY KAY VYSKOCIL, United States District Judge:


Plaintiff, proceeding *pro se*, commenced this action by filing a document titled “Petition for Access to Statute Title 18, SEC. 981, (K)(1)(A).” [ECF No. 1]. Plaintiff also filed a letter requesting that the Court “seal the records presented in the . . . [P]etition.” [ECF No. 2].

This action was improperly commenced. In federal court, “[a] civil action is commenced by filing a *complaint* with the court.” Fed. R. Civ. P. 3 (emphasis added); *see also* Fed. R. Civ. P. 7 (“Only these pleadings are allowed: (1) a complaint; (2) an answer to a complaint; . . . [etc.].”). “Prior to the filing of a complaint a court lacks subject matter jurisdiction.” *Ning Ye v. New York Bd. of Elections*, No. 20 CIV. 11072 (JPC), 2021 WL 37575, at \*2 (S.D.N.Y. Jan. 5, 2021).

Accordingly, Plaintiff is ORDERED to file a properly styled complaint within forty-five (45) days of this Order, by August 2, 2024. Plaintiff’s filing of the complaint shall be accompanied by any application to seal or restrict viewing of that document. If Plaintiff fails to do so by such date, this action will be dismissed without prejudice for failure to prosecute pursuant to Rule 41 of the Federal Rules of Civil Procedure. Plaintiff is on notice that she is ultimately responsible for prosecuting her case. *See Link v. Wabash R. Co.*, 370 U.S. 626, 633 (1962).

**SO ORDERED.**

**Date: June 18, 2024**  
**New York, NY**

  
**MARY KAY VYSKOCIL**  
**United States District Judge**